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RECOMMENDATIONS

AS TO

State and National Legislation,

RELATIVE TO INSECT PESTS AND PLANT DISEASES,

ADOPTED BY THE

NATIONAL CONVENTION

HELD AT

Washington, D. C., March 5 and 6, 1897.

Issued by the Executive Committee:

WM. B. ALWOOD, CHAIRMAN,
J. H. HALE,
E. M. WARDALL,
C. M. HOBBS,
F. M. WEBSTER, SECRETARY.

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Introductory.

In issuing this brief synopsis of the work of the recent Convenvention, the Executive Committee think best to so present the matter that interested persons who were not present may form a fairly clear idea of the character of the meeting and the business therein transacted. It is expected that a full report of the convention will be issued by the Department of Agriculture.

The Convention was fairly national in regard to representation, and was composed of accredited delegates of Horticultural Societies, Nurserymen's Associations, State Agricultural Boards, Granges, Alliances, and Agricultural Colleges and Experiment Stations.

The roll of delegates as presented by the Committee on Credentials and adopted by the Convention is here appended:

J. H. Hale, South Glastonbury, Conn., President Connecticut Pomological Society.
William R. Sessions, Boston, Mass., Secretary State Board of Agriculture.
D. Demarest Denise, Freehold, N. J., President of the New Jersey State Board of Agriculture.
B. T. Galloway, Washington, D. C., Chief of the Division of Vegetable Physiology and Pathology, United States Department of Agriculture.
M. B. Waite, Washington, D. C., Assistant Pathologist, Division of Vegetable Physiology and Pathology, United States Department of Agriculture.
W. W. Farnsworth, Waterville, Ohio, Secretary Ohio State Horticultural Society.
S. A. Beach, Geneva, N. Y., State Experiment Station, New York.
H. E. Van Deman, Parksley, Virginia, President Peninsula Horticultural Society.
William B. Alwood, Blacksburg, Va., Virginia Agricultural Experiment Station and State Horticultural Society.
H. Garman, Lexington, Ky., Kentucky Agricultural Experiment Station and State Horticultural Society.
L. O. Howard, Washington, D. C., Entomologist, United States Department of Agriculture.
M. V. Slingerland, Ithaca, N. Y., Cornell University and Agricultural Experiment Station.
Wesley Webb, Dover, Del., Farmers' Institute of Delaware and Secretary Peninsula Horticultural Society.
Otto Lugger, St. Anthony Park, Minn., Minnesota Agricultural Experiment Station and State Horticultural Society.
J. Van Lindley, Pomona, N. C., President North Carolina Horticultural Society.
Gerald McCarthy, Raleigh, N. C., Secretary North Carolina Horticultural Society, Entomologist North Carolina Experiment Station.
M. J. Daniels, Riverside, Cal., State Board of Horticulture.
S. B. Heiges, Washington, D. C., Pomologist, United States Department of Agriculture, President Pennsylvania Horticultural Society.
W. W. Miller, Columbus, Ohio, Secretary State Board of Agriculture.
V. H. Lowe, Geneva, N. Y., Entomologist New York Agricultural Experiment Station.

C. M. Hooker, Rochester, N. Y., Western New York Horticultural Society.
William M. Kino, Glencarlyn, Va., Virginia State Grange.
E. M. Wardall, Los Angeles, Cal., State Board of Horticulture.
F. M. Webster, Wooster, Ohio, Entomologist Ohio Agricultural Experiment Station.
N. J. Bachelder, Concord, N. H., Secretary Board of Agriculture.
E. H. Cushman, Euclid, Ohio, President Ohio Horticultural Society.
Colonel S. E. Chamberlain, Loudon, Va., President Catoctin Farmers' Club.
Captain R. S. Emory, Chestertown, Md., Peninsula Horticultural Society.
Colonel J. H. Brigham, Delta, Ohio, Master National Grange.
W. C. Barry, Rochester, N. Y., President Western New York Horticultural Society and President Eastern Nurseryman's Association.
Hon. E. S. Henry, M. C. (1421 K Street, Washington, D. C.), Rockville, Conn., Connecticut Board of Agriculture.
Colonel J. F. Brown, North Stonington, Conn., Connecticut State Board of Agriculture.
H. K. Snow, Tustin, Cal., Tustin Fruit Growers' Association.
H. J. Webber, Eustis, Fla., Assistant Pathologist United States Department Agriculture, Subtropical Laboratory.
S. H. Derby, Woodside, Del., Peninsula Horticultural Society.
C. M. Hobbs, Bridgeport, Ind., President Indiana Horticultural Society.
Robert L. Gulick, Linkwood, Md., Farmers' Alliance.
E. S. Goff, Madison, Wis., Wisconsin State Horticultural Society Wisconsin Agricultural Experiment Station.
W. G. Johnson, College Park, Md., State Entomologist of Maryland.
G. Harold Powell, Newark, Del., Entomologist and Horticulturist Delaware Experiment Station.
J. W. Baker, Nashville, Tenn., Tennessee Department of Agriculture.
Walter H. Evans, Washington, D. C., Office of Experiment Stations.
E. H. Bissell, Richmond, Va.,
Hon. Jas. McLachlan, M. C., Los Angeles, Cal., Board of Supervisors Los Angeles County.
W. A. Taylor, Washington, D. C., Michigan State Horticultural Society.

The Convention completed its permanent organization by electing E. H. Cushman, of Ohio, chairman, and J. H. Hale, of Connecticut, vice-chairman, Wesley Webb, of Delaware, and M. J. Daniels, of California, secretaries, and Robert Gulick, of Maryland, sergeant-at-arms.

A committee was appointed to nominate a Legislative Committee who should consider and bring before the convention such recommendations as it thought best in regard to State and National legislation. This committee retired for consideration and later reported the following names and the convention unanimously elected these gentlemen to constitute its legislative committee:

Wm. B. Alwood, of Virginia, chairman.
D. D. Denise, of New Jersey.
J. Van Lindley, of North Carolina.
C. M. Hooker, of New York.

E. M. Wardall, of California.
N. J. Bachelder, of New Hampshire.
C. M. Hobbs, of Indiana.
E. S. Goff, of Wisconsin.
E. S. Henry, of Connecticut.
F. M. Webster, of Ohio.

It was ordered by the Convention that all propositions relative to State or National legislation should be referred to the Legislative Committee without debate, but that this committee should grant hearings to all persons who desired to appear before it, before making up its recommendations.

The Legislative Committee entered at once upon its work, gave full hearings to all persons who desired to appear before it, and labored patiently and harmoniously to unify the interests represented. After three protracted sessions they united in reporting two separate papers as given below, one dealing with State legislation and the other with National legislation.

REPORT ON STATE LEGISLATION.

The Committee on Legislation recommended the following propositions to be embodied in appropriate State legislation as against the introduction or spread of dangerously injurious insects or plant diseases:

1st. That each State should provide for the proper inspection of nurseries and other premises for the detection of the presence of the San José Scale, or other dangerously injurious insects or plant diseases.

2d. That each State should provide for the proper and timely application of the most approved remedial or preventive treatment when found necessary.

3d. That should packages of nursery stock, etc., be shipped into a State contrary to law, *i. e.*, without proper inspection certificates attached, it ought to be so handled as to receive proper inspection and not be destroyed unless condemned by proper and competent authority.

4th. That each State should coöperate in securing the passage and enforcement of a National law, providing against the introduction and dissemination of San José Scale and other dangerously injurious insects and plant diseases by means of imports or through inter-State commerce.

Report on National Legislation.

(A PROPOSED BILL).

AN ACT

To Provide for the Inspection and Treatment of Trees, Plants, Buds, Cuttings, Grafts, Scions, Nursery Stock and Fruit, imported into the United States, and for the Inspection and Treatment of Trees, Plants, Buds, Cuttings, Grafts, Scions and Nursery Stock grown within the United States, which becomes a subject of inter-state commerce.

Section 1.—Be it Enacted by the Senate and House of Representatives of the United States of America in Congress Assembled,

That the Secretary of Agriculture be, and he is hereby, authorized at the expense of the owner or owners to place and retain in quarantine all trees, plants, buds, cuttings, grafts, scions, nursery stock and fruit, imported into the United States at such ports as he may designate for such purposes, and under such conditions as he may, by regulation, prescribe, and that he may appoint inspectors for the purpose of examining such trees, plants, buds cuttings, grafts, scions, nursery stock and fruit for the purpose of ascertaining whether they are affected by any dangerously injurious insect or disease, the importation of which will be prejudicial to the horticultural interests of the United States, and provide for the treatment of such when found necessary.

Sec. 2. That when such trees, plants, buds, cuttings, grafts, scions, nursery stock and fruit shall be determined to be infested with any dangerously injurious insect or disease they shall be treated at the expense of the owner or owners in accordance with the regulations of the Secretary of Agriculture, or they shall be destroyed in case their condition is such as to warrant such destruction; but an appeal may be taken from the decision of the inspector to the Secretary of Agriculture if such appeal be taken within three days after such inspection and the decision of the Secretary of Agriculture shall be final.

Sec. 3. That when such inspection shall show that such trees, plants, buds, cuttings, grafts, scions, nursery stock and fruit are apparently free from dangerously injurious insects or diseases a certificate to this effect, made in accordance with the regulations

of the Secretary of Agriculture, shall be issued to the owner or owners thereof by the said inspector and this certificate shall operate to release all the objects above specified, when duly stamped or labelled with the same from further quarantine or restriction either at the said port of entry or in inter-state commerce. Any person who shall forge, counterfeit, or knowingly alter, deface, or destroy any of the marks, stamps, or certificates, provided for in the regulations of the Secretary of Agriculture, on any such trees, plants, buds, cuttings, grafts, scions, nursery stock or fruit, or who shall forge, counterfeit, or knowingly and wrongfully alter, deface or destroy any certificate as provided for in said regulations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not to exceed five hundred dollars, or imprisonment not to exceed one year, or both, at the discretion of the court.

SEC. 4. That whenever it shall appear to the Secretary of Agriculture that any foreign country shall have provided proper and competent inspection and treatment, in accordance with the provisions of this Act, for the objects above specified as being subject to inspection and treatment, he may, by proclamation or otherwise, accept such inspection and treatment in lieu of inspection performed by officers appointed by himself, which acceptation or proclamation by the Secretary of Agriculture shall relieve all such articles specified in the foregoing sections of this Act, when properly stamped or labelled, from further quarantine or restrictions.

SEC. 5. That the Secretary of Agriculture shall cause to be inspected and properly treated at the expense of the owner or owners, prior to their shipment all trees, plants, buds, cuttings, grafts, scions and nursery stock which are subjects of inter-state commerce, and which are about to be transported from one state or territory or the District of Columbia, into another state or territory or the District of Columbia.

SEC. 6. That the said examination shall be made in the manner provided for by the rules and regulations prescribed by the Secretary of Agriculture, and that after such examination the trees, plants, buds, cuttings, grafts, scions or nursery stock found to be apparently free from dangerously injurious insects or diseases shall be marked, stamped or labelled for identification, as may be provided for by said rules and regulations of the Secretary of Agriculture, and when so stamped or labelled they shall not be

subject to further quarantine or restriction in inter-state commerce. Any person who shall forge, counterfeit or knowingly alter, deface or destroy any of the marks, stamps or said devices provided for in the regulations of the Secretary of Agriculture on any such trees, plants, buds, cuttings, grafts, scions and nursery stock, or who shall forge, counterfeit or knowingly or wrongfully alter, deface or destroy any certificate provided for in said regulations shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars or imprisonment not exceeding one year, or by both such punishments at the discretion of the court.

SEC. 7. That it shall be unlawful for any person, persons or corporation to transport from one State or Territory or the District of Columbia into any other State or Territory or the District of Columbia, or for any person, persons, or corporation to deliver to any other person, persons, or corporation or to the postal service of the United States, except for scientific purposes by permission or direction of the Secretary of Agriculture, for transportation from one State or Territory or the District of Columbia into any other State or Territory or the District of Columbia any trees, plants, buds, cuttings, grafts, scions or nursery stock which have not been examined in accordance with the provisions in Sections 5 and 6 of this Act, or which on said examination have been declared by the inspector to be dangerously infested with injurious insects or diseases. Any person, persons or corporation violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be punished for such offense as provided in Section 6 of this Act.

SEC. 8. That whenever it shall appear to the Secretary of Agriculture that any State, Territory, District, corporation, firm or person shall have provided proper and competent inspection and treatment in accordance with the provisions of this Act for the objects above specified as being subject to inspection and treatment, he may by proclamation or otherwise accept such inspection and treatment in lieu of inspection and treatment by officers appointed by himself, which acceptation or proclamation by the said Secretary of Agriculture, shall relieve all such articles specified in Sections 5, 6 and 7 of this Act, when properly stamped or labelled, from further quarantine or restrictions in inter-State commerce.

SEC. 9. That the sum of fifty thousand dollars or so much thereof as may be necessary is hereby appropriated out of any

moneys in the Treasury of the United States not otherwise appropriated to carry into effect the provisions of this Act.

SEC. 10. This law shall take effect on and after the first day of July, eighteen hundred and ninety-seven.

The chairman of the committee on legislation stated that it appeared hardly possible to agree upon the exact verbiage of a bill to be recommended to the several states, but that the propositions reported embraced the essentials of fair and reciprocal state enactments. That the proposition as to national legislation embraced two distinct ideas, first to provide against importation into this country of dangerous pests and, second, to prevent their dissemination from state to state through the medium of inter-state commerce. Also that this latter feature of the proposed congressional enactment was framed in a very liberal spirit so as to permit each state to wholly deal with the question if it would, or even the individual, firm or corporation might meet the requirements, by employing their own expert. It was felt that nothing less should be required than that this whole subject, however the work may be performed, should be placed under government control so as to insure equal and uniform enforcement of its provisions.

The committee report was carefully considered by the convention and unanimously adopted with some slight recommendations which have been incorporated in the copy as it appears herein.

The convention was permanently organized and provided an executive committee empowered to act for it as will appear from the full proceeding shortly to be published. Further, it was voted that membership fee should be fixed at ONE DOLLAR and that the funds received from this source should be used by the Executive Committee for printing and further promoting legislation as recommended by it.

All remittances should be made to Wesley Webb, Dover, Del., who as secretary, will receipt for the same. *A full list of contributing members and an account of expenditures by the committee will be published later.* We urge all persons and associations interested in promoting the objects of this association to remit membership fees at once as the committee will be helpless without prompt assistance. The recommendations as to national legislation will be pushed at the called session of congress.

WM. B. ALWOOD,
Chairman Executive Committee.

BLACKSBURG, VA., March 15th, 1897.